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Patty Wilson  
Patty Wilson**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thakker et al.

Group Art Unit: 1617

**Serial No.: 09/974,519**

Examiner: Webman, Edward

Filed: October 10, 2002

Docket No.: 421/32/2

For: COMPOSITIONS AND METHOD FOR ENHANCING PARACELLULAR  
PERMEABILITY ACROSS EPITHELIAL AND ENDOTHELIAL  
BARRIERS

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**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Restriction/Election Requirement dated May 13,  
2003, having a 1-month term for Response that will expire on June 13, 2003.  
Favorable consideration is respectfully requested in view of the following  
Election and Remarks.

**RESTRICTION PRESENTED**

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1-16	Method of enhancing paracellular permeability/ absorption

Application Serial No.: 09/974,519

- |     |       |   |
|-----|-------|---|
| II  | 17-21 | Composition comprising hydrophilic drug, phospholipase C inhibitor, and pharmaceutically acceptable carrier |
| III | 22-27 | Method of preparing a composition that facilitates oral availability of a hydrophilic drug                  |

Additionally, it is contended that the claims within the above-noted groups of claims are further directed to a plurality of disclosed patentably distinct species. See pages 3-5 of the Official Action. Particularly, it is asserted that claim 2 is generic to a plurality of disclosed patentably distinct species comprising inhibitors; and that claim 8 is generic to a plurality of disclosed patentably distinct species comprising different forms of administration. Additionally, it is asserted that the claims of Group I include method claims pertaining to the following patentably distinct species: a method of enhancing paracellular permeability and a method of enhancing absorption. Finally, claims 6 and 7 are asserted to be generic to a plurality of disclosed patentably distinct species comprising absorption sites, namely, the intestinal epithelium and the blood brain barrier.

#### APPLICANTS' ELECTION

Applicants hereby elect the invention of Group I, claims 1-16, be elected for prosecution at this time. Applicants further elect the following species upon which a search can be initiated: (a) the phospholipase C inhibitor is an alkylphosphocholine; (b) the form of administration is oral administration; (c) the method is the method as recited in claim 1, a method of enhancing paracellular permeability; and (d) the absorption site comprises intestinal epithelium as recited in claim 6.

#### REMARKS

Claims 1-27 are now pending in the subject U.S. patent application. Claims 1-27 as filed have been subjected to a Restriction/Election Requirement.